



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 28, 1996

Ms. Gail Kikawa McConnell  
Assistant District Attorney  
Montgomery County District Attorney's Office  
301 N. Thompson, Suite 106  
Conroe, Texas 77301-2824

OR96-0458


Dear Ms. McConnell:

On behalf of the Montgomery County District Attorney's Office (the "district attorney"), you ask us to reconsider our decision in Open Records Letter No. 96-0172 (1996). Your request for reconsideration was assigned ID# 39061.

Open Records Letter No. 96-0172 (1996) dealt with a request for documents relating to a charge of aggravated assault. In that letter, we ruled on the applicability of the informer's privilege to several witness statements. We concluded that the informer's privilege does not protect those statements, and therefore, the district attorney may not withhold the statements from disclosure under section 552.101 of the Government Code. We have reviewed the district attorney's arguments for reconsideration. However, we believe that the conclusion we reached in Open Records Letter No. 96-0172 (1996) is correct. Thus, the witness statements are not excepted from required public disclosure under the informer's privilege.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

  
Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref.: ID# 39061

Enclosures: Submitted documents

cc: Mr. Aaron Pool  
Wham & Pool, P.C.  
4900 Woodway, Suite 1250  
Houston, Texas 77056  
(w/o enclosures)